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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,089	09/28/2004	Andrew P. Heron	36-1860	9936
23117	7590	10/13/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER BANKS, CORBANN	
			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,089

Applicant(s)

HERON ET AL.

Examiner

Corbann A. Banks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 31 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 28 September 2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance (see page 2 of the instant specification).

Claim Objections

Claims 4 – 5 and 7 are objected to because the word system is misspelled (i.e. "stem" is displayed instead of "system").

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, it states "wherein the or each access control means". This does not clearly indicate which particular "control means" is being referred to, making it indefinite and unclear. Claim 10 states "the access control means and the further access control means comprise ...". It has not been made clear

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which actual "control means" is comprising these limitations, thus making it indefinite and unclear.

Claims 7 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 25 both recite the limitation "communications path between the control /monitor station and the remote site". No direct citation of such a communications path is ever explicitly shown in the independent claims (1 and 19). There is insufficient antecedent basis for this limitation in claims 7 and 25.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 9, 11 – 16, 18 – 25, and 29 - 31 rejected under 35 U.S.C. 102(e) as being anticipated by Mizuno et al. (USPGPub # 2006/0031927).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Here, Mizuno clearly shows a method / system for remotely controlling / monitoring one or more devices over a communications network (see Figure 1), wherein the network includes first and second network sides (see Figure 1, elements 100 and 200) and means for controlling access between the first and second sides (see Figure 1, elements 20 and 21), the system comprising: a monitor station (see Figure 1, element 70) connected to the network on the first network side for receiving information concerning said one or more devices, a first controller (see Figure 1, element 60) connected to the network on the first network side for receiving device control messages from a control station, and a second controller (see Figure 1, element 69) connected to the network on the second network side, for receiving the device control messages from the first controller and controlling the one or more devices in response thereto, wherein the first controller is configured to send the device control messages to the second controller after initiation of a connection to the first controller by the second controller (see paragraph 0008); wherein the second controller initiates the connection by sending a connection request to the first controller (see paragraph 0008); wherein the access control means is configured to prevent connection requests from the first controller from reaching the second controller (see paragraphs 0007 and 0008); wherein the system is configured to maintain a connection between the first and second controllers following receipt of the connection request from the second controller at the first controller, to permit the first controller to send the device control messages to the

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second controller when said messages are received at the first controller (see paragraphs 0007 and 0008); wherein the device control messages are sent in an encrypted form (see paragraphs 0011 and 0014); wherein the first and second controllers are located at a site remote from the control station (see locations of elements 61 and 69); wherein the communications path between the control station and the remote site comprises a wide area network (see Figure 1); comprising further access control means between the wide area network and the first controller (see Figure 1, element 20); wherein the or each access control means comprise a firewall (see Figure 1, elements 20 and 21); wherein the first and second controllers communicate over Transport Control Protocol (TCP) port 1073 (see Figure 1, element 10); wherein the control station is configured to receive information relating to an event occurring at the one or more devices via the first and second controllers (see Figure 1, elements 71, 10, 61, and 69); wherein the control station generates a device control message in response to the received information (see claim 9 of featured invention, and Figure 1); wherein the control station initiates a connection to the first controller to enable it to receive said information from the first controller (see paragraphs 0007, 0008, and 0030); wherein the first controller initiates a connection to the control station to enable the control station to receive said information from the first controller (see paragraphs 0007, 0008, and 0030); wherein the first controller is triggered to initiate the connection to the control station after initiation of the connection to the first controller by the second controller (see paragraphs 0007, 0008, and Figure 1); wherein the system is configured to maintain a connection between the monitor station and the first controller

following receipt of the connection request from the monitor station at the first controller, to permit the first controller to send information received at the first controller to the monitor station without requesting a new connection to the monitor station see paragraphs 0007, 0008, and Figure 1); wherein the device control messages are sent to the devices via the first and second controllers (see claim 4 of the featured invention); wherein the monitor station and the first controller communicate over Transport Control Protocol (TCP) port 1073 (see Figure 1, element 10); further comprising generating device control messages for controlling the devices in response to the received event information (see claim 9 of featured invention, and Figure 1); wherein the first controller is located at a site local to the monitor station and the second controller is located at a site remote from the monitor station (see Figure 1, element 70 - which has the same inner structure as element 60, and element 69).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. (USPGPub # 2006/0031927) in view of Shaw (USPGPub # 2003/0163728 A1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Here, the Mizuno reference has been discussed above. Mizuno teaches the use of a first controller and a firewall. However, Mizuno does not teach the use of locating the first controller in a "demilitarized zone" between a first firewall which separates the first controller from the monitor station and a second firewall which separates the first controller from the wide area network.

On the other hand, the Shaw reference (USPGPub # 2003/0163728 A1) does teach the use of having a controller (see Figure 1, element 102, and paragraph 0029) in a "demilitarized zone" between a first firewall (see Figure 1, element 100) (see Figure 1, element 102) and a second firewall (see Figure 1, element 100) which separates it from the wide area network (see Figure 1, element 104).

Hence, it would have been obvious to one of ordinary skill in the art to have included the technology taught by Shaw into the invention taught by Mizuno above, to prevent unauthorized access to the first controller from the wide area network. In doing so would help ensure that the client complies with the security requirements, before allowing the client access to the network inside the inner firewall. Hence, to do so, would add a additional layer of security to the system (see paragraph 0026 of the Shaw reference). With respect to claim 10, the limitations cited there maps directly onto the limitations of claim 26 and is rejected under the same premise.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. (USPGPub # 2006/0031927) in view of Shaw (USPGPub # 2003/0163728 A1) as applied to claims 10 and 26 above, and further in view of Gulick et al. (US Patent # 6,823,451 B1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Both the Mizuno and Shaw references have been discussed above. However, neither reference teaches the use of the second controller including one or more device drivers for controlling one or more devices.

On the other hand, the Gulick reference (US Patent # 6,823,451 B1) does teach the use of a device driver (see Figure 3, element 225) being used to control one or more devices (see Figure 3, element 230).

Hence, it would have been obvious to one of ordinary skill in the art to have included the technology taught by Gulick into the combination device described by Mizuno and Shaw above, to provide access to the hardware as part of a secure execution box configured to operate in a secure execution mode (SEM). This would in turn enable such a device to operate more securely, while adding an additional layer of security to the system.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. (USPGPub # 2006/0031927) in view of Shaw (USPGPub # 2003/0163728 A1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Both the Mizuno and Shaw references have been discussed above. However, neither reference teaches the use of a third firewall configured not to permit inbound connection requests to the second controller, nor to separate the second controller from the wide area network.

On the other hand, adding the technology shown by Shaw into the invention taught by Mizuno, would in turn provide a third firewall to do the tasks described above (see figure 1, element 21 of the Mizuno reference).

Hence, it would have been obvious to one of ordinary skill in the art to have included the technology taught by Shaw into the invention taught by Mizuno above, to prevent unauthorized access to the second controller from the wide area network. In doing so would help ensure that the client complies with the security requirements, before allowing the client access to the network inside the inner firewall. Hence, to do so, would add a additional layer of security to the system (see paragraph 0026 of the Shaw reference).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbann A. Banks whose telephone number is (571) 270-1021. The examiner can normally be reached on Monday – Thursday from 8:30

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am to 5:00 pm. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on Monday – Friday, from 8:30 am to 5:00 pm. His telephone number is (571) 272 – 3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.B.

Corbann A. Banks


KAMBIZ ZAND
PRIMARY EXAMINER

September 22, 2006